

Approved: CR  
CHRISTOPHER BRUMWELL  
Assistant United States Attorney

Before: THE HONORABLE LISA M. SMITH  
United States Magistrate Judge  
Southern District of New York

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UNITED STATES OF AMERICA :  
19 Mag. 8442  
- v. - :  
RULE  
5(c)(3)  
ANTHONY TYLER NASHATKA, a/k/a "Psycho," :  
AFFIDAVIT  
Defendant. :  
- - - - - x

SOUTHERN DISTRICT OF NEW YORK, ss:

MARC ANG ABRIGO, being duly sworn, deposes and says that he is a Special Agent with the United States Secret Service ("USSS"), and charges as follows:

On or about August 13, 2019, the United States District Court for the Northern District of California issued a warrant for the arrest of "Anthony Tyler Nashatka, a/k/a 'Psycho,'" based on an Indictment charging "Anthony Tyler Nashatka, a/k/a 'Psycho,'" with conspiracy to commit computer fraud and abuse, in violation of 18 U.S.C. § 1030(b); Transmission of a Program, Information, Code, and Command to Cause Damage to a Protected Computer, in violation of 18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(B)(i) and (c)(a)(A)(i)(VI); Unauthorized Access to a Protected Computer To Obtain Value, in violation of 18 U.S.C. §§ 1030(a)(4) and (c)(3)(A), Conspiracy to Commit Wire Fraud, in violation of 18 U.S.C. § 1349; and Aggravated Identity Theft, 18 U.S.C. § 1028A(a)(1). A copy of the arrest warrant is attached hereto and incorporated by reference herein.

I believe that ANTHONY TYLER NASHATKA, the defendant, who was taken into the custody of the USSS on September 6, 2019, in the Southern District of New York, is the same individual as

"Anthony Tyler Nashatka, a/k/a 'Psycho,'" who is wanted by the United States District Court for the Northern District of California.

The bases for my knowledge and for the foregoing charge are, in part, as follows:

1. I am a Special Agent with the USSS. I have been personally involved in determining whether ANTHONY TYLER NASHATKA, the defendant, is the same individual as the "Anthony Tyler Nashatka, a/k/a 'Psycho,'" named in the August 13, 2019 arrest warrant from the United States District Court for the Northern District of California. Because this Affidavit is being submitted for the limited purpose of establishing the identity of the defendant, I have not included in this Affidavit each and every fact that I have learned. Where I report statements made by others, those statements are described in substance and in part, unless otherwise noted.

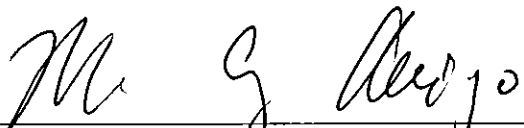
2. Based on my review of documents from proceedings in the United States District Court for the Northern District of California, I know that, on or about August 13, 2019, the United States District Court for the Northern District of California issued a warrant for the arrest of "Anthony Tyler Nashatka, a/k/a 'Psycho,'" (the "Arrest Warrant"). The Arrest Warrant was issued based on an indictment charging "Anthony Tyler Nashatka, a/k/a 'Psycho,'" with conspiracy to commit computer fraud and abuse, in violation of 18 U.S.C. § 1030(b); Transmission of a Program, Information, Code, and Command to Cause Damage to a Protected Computer, in violation of 18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(B)(i) and (c)(a)(A)(i)(VI); Unauthorized Access to a Protected Computer To Obtain Value, in violation of 18 U.S.C. §§ 1030(a)(4) and (c)(3)(A), Conspiracy to Commit Wire Fraud, in violation of 18 U.S.C. § 1349; Aggravated Identity Theft, 18 U.S.C. § 1028A(a)(1) (the "Indictment"). The Indictment was filed in connection with criminal case number 19-cr-372 in the Northern District of California.

3. On September 6, 2019, at approximately 2:30 p.m., I arrested ANTHONY TYLER NASHATKA, the defendant. Based on my review of information provided to law enforcement by One City Place at City Center, an apartment complex in Westchester County, New York, I know that NASHATKA rented Apartment #2304, One City Place, White Plains, NY 10601 (the "Apartment") in the name "Anthony Tyler Nashatka." I and other members of law enforcement arrested NASHATKA in the Apartment. Additionally,

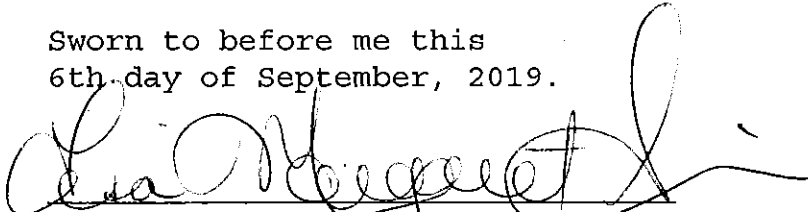
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following his arrest, NASHATKA responded to the name "Anthony." Finally, based on my participation in this investigation, I have seen a photograph of the driver's license of "Anthony Tyler Nashatka, a/k/a 'Psycho,'" and the individual pictured appears to be NASHATKA.

WHEREFORE, I respectfully request that ANTHONY TYLER NASHATKA, the defendant, be imprisoned or bailed as the case may be.

  
Special Agent Marc Ang Abrigo  
United States Secret Service

Sworn to before me this  
6th day of September, 2019.

  
THE HONORABLE LISA M. SMITH  
United States Magistrate Judge  
Southern District of New York